

Submitted October 28, 2015
Approved as of
Date October 28, 2015

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 17-2015
Wednesday, September 30, 2015**

The City of Rockville Planning Commission convened in regular session in the
Mayor and Council Chambers at 7:00 p.m.
Wednesday, September 30, 2015

PRESENT
Don Hadley, Chair

Anne Goodman	Charles Littlefield
David Hill	Gail Sherman
Jack Leiderman	John Tyner, II

Present: Marcy Waxman, Senior City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
David Levy, Chief of Long Range Planning
Barry Gore, Planner III

I. REVIEW and ACTION

- A. Waiver Application, WAV2015-00009.** Washington Real Estate Fund, LLC c/o Cheng Tu for a request to reduce the number of required vehicular parking spaces for a proposed restaurant use. The subject property is located at 300 North Washington Street and zoned MXNC (Mixed Use Neighborhood Center). Deferred from the meeting of September 9, 2015.

Bobby Ray presented his staff report and recommended approval of the waiver based on Option B as stated in the staff report which includes a patron area of 4,000 sq. ft., 300 sq. ft. outside dining area and 14 employees, with a total required parking amount of 85 spaces. The Chief of Planning reserves the right to bring the waiver back to the Commission within a two year period if the conditions warrant. Mr. Ray also answered questions from the Commission.

Soo Lee Cho with Miller Miller and Canby, representing the applicant, Washington Real Estate Fund, LLC c/o Cheng Tu, addressed the questions concerning the parking waiver, specifically the utilization study.

The applicant, Cheng Tu, gave an overview of the restaurant and answered questions about the parking waiver.

Commissioner Littlefield moved, seconded by Commissioner Goodman, to approve WAV2015-20009, with conditions based on recommendations 1 through 4 provided to the Commission by staff, and with the following amendments proposed by the Commission:

1. The approval is granted for Option B, Row 1 as presented in Attachment 2. This option represents a patron area of 4,000 sf, an outside dining area of 300 sf and 14 employees. The total required parking is 85 spaces with a total of 65 spaces provided, thereby representing a reduction of 20 parking spaces approved with this waiver.
2. As a condition of approval the applicant is required to return to the Planning Commission, no later than 26 months from the date of occupancy permit approval for restaurant use and present a parking utilization study that collects data throughout a 2 year period. The parking utilization study shall be prepared by a professional parking engineer and provide information regarding the actual parking utilization for the previous 2 year period. The format of this study should be subject to the direction of the Chief of Zoning.
3. Should the Commission find after reviewing the study or based upon the inspection report that parking conditions are not adequate for the restaurant use the appropriate mitigation will be imposed or the waiver approval may be withdrawn by the Planning Commission. Mitigation could include, but is not limited to, the provision of offsite parking, the utilization of an attendant/valet parking, a reconfiguration of the site to create more parking spaces, or a reduction of the restaurant's patron service area to a size consistent with the on-site parking provided, or a combination of these individual mitigations, or by agreement of the approving authority and the applicants further mitigation.
4. Should parking conditions onsite and in the surrounding area warrant, the Chief of Zoning has the authority to bring the waiver request back to the Planning Commission prior to the conclusion of the 26 month period for consideration of possible mitigation or required parking study earlier should apparent mitigation conditions appear.
5. These above conditions shall also apply for subsequent site plan approval and/or amendment.

Soo Lee-Cho stated that conditions are acceptable to the applicant.

The motion passed 6-1 (Commissioner Leiderman voted no).

The meeting recessed at 9:10 pm and reconvened at 9:16 pm.

II. DISCUSSION ITEMS

- A. **CMP Land Use Briefing** from staff on the progress with the Rockville 2040 process for updating the City's Comprehensive Master Plan (CMP). The briefing will include a presentation regarding Planning Area 15, Research/Piccard, as first presented to the REDI Board and at a listening session held in the planning area on July 9.

Barry Gore presented a report on the planning and development history of the Research/Piccard Area (Planning Area 15), including existing conditions and changes in land use that are occurring.

- B. CMP status of outreach and 10 year review cycle.** A briefing from staff on progress on the Rockville 2040 process for updating the City's Comprehensive Master Plan.

David Levy discussed key points from the document from the State of Maryland entitled "Managing Maryland's Growth Transitioning to the Comprehensive Plan - 10 Year Cycle." David Levy indicated that, unless the Planning Commission had an objection, staff did not intend to bring forward, in advance of the overall CMP update, a proposal to adopt the the State-required Growth Tiers into the CMP by the 2016 deadline. Instead, Rockville would adopt the Growth Tiers as part of the overall CMP update. Mr. Levy explained that the implications of not adopting the Growth Tiers by 2016 were negligible to Rockville – that Rockville would be prohibited from permitting development of large projects based on septic systems (which Rockville would not permit in any event.) The Planning Commission had no objection.

III. COMMISSION ITEMS

- A.** Staff Liaison Report
- B.** Old Business
- C.** New Business
- D.** Minutes – Commissioner Hill moved, seconded by Commissioner Tyner, to approve the July 8th minutes with noted edits. The motion passed 6-0-1 (Commissioner Littlefield abstained).

Commissioner Leiderman moved, seconded by Commissioner Tyner to approve the July 22nd minutes with noted edits. The motion passed 7-0.

Commissioner Leiderman moved, seconded by Commissioner Hill, to approve the August 5th minutes with noted edits. The motion passed 5-0-2 (Commissioners Littlefield and Goodman abstained).

- E.** FYI Correspondence

IV. ADJOURN

There being no further business to come before the Planning Commission, the meeting adjourned at 10:41 pm.

Respectfully Submitted,

Sandra Y. Driver, Commission Secretary